PROVINCIAL POLITICS 1890

A SPEECH DELIVERED BY HON. OLIVER MOWAT

SUBJECT: Proposed Amendment to the Act relating to Separate Schools

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DELIVERED BY

# HON. OLIVER MOWAT

*ATTORNEY-GENERAL,*

IN THE

## LEGISLATIVE ASSEMBLY.

MARCH 25th, 1890,

No. 4.

## SUBJECT:

**Proposed Amendments to the Act relating to Separate Schools.**

*Copies of this Speech can be had by addressing W. T. R. Preston, Secretary Provincial Reform Association, Toronto.*

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1890.

# HON. MR. MOWAT'S SPEECH

IN THE

## LEGISLATIVE ASSEMBLY,

MARCH 25th. 1890,

*ON THE PROPOSED AMENDMENTS TO THE*

# SEPARATE SCHOOL ACT.

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The following is a report of the Attorney-General's speech in the Legislative Assembly, March 25th, 1890, on the amendments proposed to the Separate School Act:

The Attorney-General began by alluding to the extreme delicacy of the question that was under consideration. It related to matters on which Roman Catholics and Protestants both felt greatly interested, and on which their sympathies did not run together. The members of this House belonged very largely to one of these two denominations. In this House of ninety members there were but eight Roman Catholics—all the other members were Protestants. It was the more necessary, on this account, that when matters of interest on which Protestants and Roman Catholics were divided in their sympathies came to be considered, they should be considered with the greatest possible care, in order that the members of the House might not mislead themselves as to the proper course to take.

Almost every speech that had been made on the other side of the House was an appeal to the Protestant sentiment of the country, and to the anti-Roman Catholic sentiment of the country. The hon. member for London had in his speech disclaimed some things as to which he was not followed by other members of his side of the House. As regards these, he is a leader who does not lead. Thus, he had disclaimed any intention of

supporting a demand for the abolition of Separate Schools, but in this he was not followed by all his friends on his own side of the House, nor by his followers in the country. He had also disclaimed the view urged by others that it was the duty of the Government to do nothing that would increase the efficiency of Separate Schools. On former occasions the hon. member had been very distinct in expressing his opinion that Separate Schools were entitled to have whatever legislation would increase their efficiency. He had said something similar now. But not so with some of his followers. On the contrary, the Government had been found fault with, though not in this debate, because it had favoured legislation calculated to increase the efficiency of these schools; it had been contended that nothing should be done in that direction.

But while on these two points the hon. member differed from his supporters, he had by no means refrained from making the same sort of appeal here and elsewhere as his friends in the House and outside made. For this purpose the hon. member had read extracts from various Roman Catholic journals, claiming deference and obedience from the laity to the bishops and priests in matters relating to Separate Schools. That was a matter on which the sentiments expressed by these journals, or by the Roman Catholic clergy, were not the sentiments of Protestants on the Government side of the House, any more than of Protestants on the Opposition side. As for Roman Catholics, it was for themselves to decide what amount of obedience they owed to their clergy, and what amount of obedience they would render to them in this matter; how far the dogmas of their church required such obedience, and how far they would conform their conduct to these dogmas. As for the law, no statutory enactment gave to bishops or priests any authority whatever in the matter. The obligation, where recognised, was not of a legal kind. In the eyes of the law of the Province,

NO BISHOP OR PRIEST HAD ANY

more power as regards Separate Schools than, man for man, the lay supporters of these schools had. But the fact has always been known to the general public, that educational matters are pronounced by the authorities of the Church of Rome to be matters of religion, as much so, so he understood, as the sacraments are. This doctrine is not new on their part, and the announcement of it is not new. It was known to be a dogma of the Roman Catholic Church when the several Acts relating to Separate Schools

were from time to time passed in the old Province of Canada before 1863, and it was known when the Separate School Act of 1863 was passed. For none of these Acts was he (the Attorney-General) in any way responsible.

Mr. MEREDITH.—Did they then demand this obedience, and say it was a religious duty?

The ATTORNEY-GENERAL.—Yes, so far as their own people were concerned. In one of my Oxford speeches I showed this to be so. We do not sympathise with them in regard to this dogma, but the fact of its being a dogma of the church is undeniable. He had said that it was well known as such

WHEN THE SEPARATE SCHOOL

Acts were passed by the old Province of Canada. It was well known in 1864 when the Quebec Resolutions, which are the foundation of the B. N. A. Act, were passed at Quebec by delegates of the several Provinces, and with the approval of all parties. The dogma was well known when the B. N. A. Act was passed. To pretend that the present Government of Ontario is in any way responsible for the dogma, or for its announcement or operation, is absurd.

Again, continued the Attorney-General, it had been stated by one hon. gentleman opposite that there were more Roman Catholics supporting the Government than the aggregate majority which the Government had all over the country at the election of 1886. The hon. gentleman who made this statement put that aggregate majority at 5,000; the Attorney-General did not know on what ground. The hon. member had then said that the number of Roman Catholics who had voted for the Government was considerably more than 5,000. The hon. gentleman should remember that the Roman Catholic voters are spread over the country. In many constituencies the Government had a majority without any Roman Catholic vote, and that majority was simply swelled by that vote. In other places the Conservatives were so strong that the Roman Catholic votes cast for the Liberal party did not affect the result. Then another fact was to be borne in mind. In case of any serious and substantial

QUESTION BETWEEN ROMAN CATHOLICS

and Protestants, Protestants would unite in support of what they deemed the right. If there had been no such union in this House, it was because no such question had arisen. The Ontario Legislature had passed various amendments to the Separate School

law, but all these had, at the time of their passing, and for long afterwards, had the concurrence of Protestants as well as Catholics. Not one of them but had the approbation of hon. gentlemen opposite; not one was opposed by them; and the approbation of the country was as general as that of the House. He did not remember a single objection made outside of the House, any more than inside, until the agitation with a view to the general election of 1886 commenced. There had been no such objection in the newspapers; none by either Protestant clergy or Protestant laity anywhere; none even by the Orange Associations of the Province. The Government had used extreme care in confining all enactments within such limits that the enactments would be generally approved by the Protestants of the Province, and they were so approved until the political agitation was entered upon four years ago. One consequence of the predominance of Protestants in the Province and in the Legislature is, that measures likely to be distasteful to Protestants as such, are not proposed from any quarter. The hon. member had endeavored to make out that because the Government had (as he said) an aggregate majority of only 5,000 on the entire vote at the general election, and because they had had more than 5,000 Roman Catholic supporters, therefore the Government has been kept in power by Roman Catholic votes. But in the same way it might have been urged that because the Government had had more than 5,000 supporters of the denomination to which that hon. gentleman belonged, the Methodist, therefore the Government was kept in power by the Methodist vote. The same might be said in regard to the Presbyterians, because the Government had more than 5,000 votes of Presbyterians. So in regard to the votes of members of the Church of England, and of Baptists and Congregationalists. Again, he believed that more than 5,000 votes had been cast for the Government by German settlers and their descendants; and so it might be urged that the Germans had kept the Government in power. But the truth is, insisted the Attorney-General, we have had the support of all denominations, and all nationalities, and all classes of people in the Province, and it is by the aggregate vote of all that the Government has been kept in power. (Applause.)

As to the abolition of Separate Schools, this idea has found favor with some hon. gentlemen opposite, though they have been somewhat cautious in their references to it. The leader of the opposition, though not favoring it now, was not very clear on the question, for he rather intimated that he might some day go for the abolition of Separate Schools should a certain state of things arise which he referred to; but his followers speak differently and

are prepared already to go for the abolition. Now what does the abolition of Separate Schools mean? Not an absolute abolition of Separate Schools. If anybody imagines that in case the laws now on the statute book were repealed to-morrow Separate Schools would thereby be abolished, they would deceive themselves. These schools would still continue, and nobody would suggest their being then interfered with. The change of the law would merely be the withdrawal of the right of Roman Catholics to pay their school tax to their Separate Schools. They would be assessed for the Public Schools to which they did not send their children, as well as pay for the support of the Separate Schools to which they did send them. In this way Roman Catholics would practically be doubly taxed.

Now, how does the case stand under the B. N. A. Act, with reference to the abolition of Separate Schools in this sense, or in any sense in which their abolition is contemplated? It is a well understood fact, which nobody disputes, that the Provincial Legislature has no power to abolish them. If a Provincial Legislature should pass an Act for their abolition, it would be disallowed at Ottawa as being

BEYOND PROVINCIAL JURISDICTION.

It would be invalid even if not so disallowed. The Dominion Parliament itself has no power under the Constitution to abolish Separate Schools. These are facts. There is no room for argument to the contrary. The consequence is, that the abolition of Separate Schools can only be accomplished by the Imperial Parliament; and it is perfectly certain that the Imperial Parliament will not abolish them on any representation now made. This may be certain to any man acquainted with politics and with the history of these schools in Ontario, that there is not the slightest chance of inducing the Imperial Parliament in our time to repeal those provisions in the B. N. A. Act which guaranteed these schools.

Consider what would take place if the Legislature or people of Ontario should ask the Imperial Parliament to repeal those provisions. The great Province of Quebec would oppose the repeal, and the Roman Catholic population of all the other provinces would oppose it. The Roman Catholic population of Canada at the last census amounted to nearly two millions and the Protestant population to something over two millions and a half. The Roman Catholic population of Great Britain and Ireland would also oppose the repeal. British statesmen would know or learn how it

came about that these schools were guaranteed by the Constitution. And what are the facts which they would know or learn? That the Separate Schools had been guaranteed at the instance of both Ontario and Quebec, and at the instance of both the Protestant and Roman Catholic populations of the whole country; that the new Constitution had been framed with the concurrence of both Ontario and Quebec; that Catholic Quebec at the time, though with a smaller population than Ontario and with less wealth, and without having other advantages which Ontario possessed, had notwithstanding an equal representation in the Legislative Assembly of the Province, each section having 65 Members; that the practical working of the Constitution was such that under it the Separate Schools of Ontario were

PRACTICALLY SAFE FROM ABOLITION

or interference; that it had been found impossible to get rid of them; that it had been practically proved to be so by the failure of an active agitation for that purpose, conducted with great energy, ability and perseverance. So, all the institutions of Lower Canada which were cherished by Roman Catholics were perfectly safe from Protestant interference. But there were difficulties in working the Constitution of 1840, and so the Confederation of 1867 had come about.

In what spirit was the new Constitution framed? It was a compromise all round, and an essential part of that compromise—so essential that without it Confederation could never have taken place—was the provision by which the Separate Schools of Ontario and the Protestant dissentient schools of Quebec were guaranteed by Imperial enactment. It was by common consent that the provision about Separate Schools had been placed amongst those provisions of the B. N. A. Act of 1867, which neither the Dominion Parliament nor a Provincial Legislature was to have power to change. There were other things in the Act which the Provinces were to be at liberty to change, and there were things which the Dominion Parliament might change; so the Act declared; but the matter of Roman Catholic Separate Schools in Ontario and Protestant Schools in Quebec was one of those which there was to be no power on this side of the Atlantic to change to the injury of these schools. But for this being guaranteed, we would have had no Dominion Parliament with its present limited powers, and no Provincial Legislatures with their powers. In consenting to Confederation on this basis, and foregoing the other advantages which the former system gave to the Roman Catho-

lics of Lower Canada, and to the Roman Catholics of Upper Canada, the Lower Canada majority and the Upper Canada minority, no doubt, relied on the

HONOUR OF THE IMPERIAL PARLIAMENT

to maintain the guarantee on the faith of which the new Constitution became a possibility and was agreed to. In view of all these facts, British statesmen would deem it a point of honour to refuse the repeal; not ten men in the British Parliament would support a repeal; it would not be considered worthy of discussion. Lord Salisbury, the present Premier, has had trouble enough now with Ireland—

MR. MEREDITH.—You are not going to threaten us with a Home Rule vote?

THE ATTORNEY GENERAL.—No, nor with anything else. But you know that every word I am saying is true. The Honorable gentleman, Mr. Mowat continued, is a good lawyer, and has respect for his professional reputation, which some others have not, and will not dispute what I have stated. It is perfectly certain that Lord Salisbury would not consent to add to his present troubles by passing a repealing Act in the face of the opposition which would be given to it; not to speak of the other facts I have mentioned. So with Mr. Gladstone and his followers, who are allies of the Home Rule party in order to assist in getting for Ireland the great reforms needed there. There is thus not the smallest chance of such a measure being passed by the Imperial Parliament. "The Separate Schools are a fact in our Constitution," said the Attorney General, "and we have to accept it whether we now like it or not. I would be deceiving the people, I would be deceiving my Protestant friends, if I should express a different view. Knowing what I do, it is my duty to bring to public attention, and press home upon all, the real state of the case." In view of these facts, it is plain that the only practical purpose which a cry for the abolition of Separate Schools can serve, the only effect the cry can have is that it may be useful as a political cry for hon. gentlemen opposite; for any other practical purpose it is of no use at all.

Continuing, the Attorney-General said that he had personally been to a certain extent, and up to a certain time, a party to Confederation. He was a party to the Quebec resolutions that had preceded Confederation, but was not in Parliament for some years subsequently, being on the Bench and out of political life.

MR. MEREDITH.—You had withdrawn for a season. (Ironical Opposition Cheers.)

THE ATTORNEY GENERAL.—Yes, I had withdrawn for a season, and I hope that I was of some service on the Bench (Applause). I think I have been of some service since I left the Bench (Loud Applause), for I have perhaps contributed to keep my hon. friend where he is. (Cheers.)

Further, continued the Attorney-General, to refer again to the case he had been putting, it was not as if the compromise of which he had spoken had been effected by a bare majority of the people, or by a small majority. The case was stronger than that, as the Imperial Parliament would learn or would know. The arrangement had been accepted by men of all parties and creeds in both Upper and Lower Canada; it was a compromise effected by the whole people to an extent that very seldom happened in the case of a great public measure; and people at the present day have only to understand the position in order to perceive beyond doubt that the only possible use of the cry to abolish Separate Schools is, that it may make temporary political and party capital. He knew that there were some very good men amongst those who were engaged in stirring up the public mind for the abolition of Separate Schools.

MR. MEREDITH.—For political purposes?

The ATTORNEY-GENERAL said he had been going on to say in regard to these, not for political purposes, but from conviction. If the hon. member for London engaged in such a crusade, it would be for political purposes, as the honorable member knew that the abolition was impracticable. But many had engaged in stirring up this feeling who had no political purpose of that kind, and on the contrary were actuated by religious zeal, were upright men, anxious in this as in all things to do their whole duty. They were acting under the idea that the abolition of Separate Schools might be accomplished by means of the agitation. But united with them were others who had been closer students of our political history, and who knew that no such result could come of the agitation. With these it was simply being used as a political cry. And was there anything more disgraceful than that such a matter should be used as political capital? (Applause.)

Several other things had been said by hon. gentlemen opposite with the same purpose of arousing, for party purposes, a hostile feeling among those Protestants who did not perceive the practical bearings of this question. It was said

THAT THE LAW DISCRIMINATED

in favor of Roman Catholics, and that they have privileges in regard to their Separate Schools which the Protestants have not.

But it is to be remembered that in most parts of the Province the Public Schools are in the hands of Protestants, and it is only in very exceptional circumstances that the Protestants of the Province want Separate Schools. There are (I think) but eight of such schools in all Ontario. The public sentiment in the Protestant churches is, that it is better that Public Schools should be supported, and not denominational schools. (Applause.) Protestants hold that it is better for our whole people, no matter what denomination they belong to, that the children should all learn together in our Public Schools as well as in our High Schools. But the law does provide for the establishment of Separate Schools for Protestants if they want them, as well as for Roman Catholics when they want them. He would read to the House some of the Statutory enactments, in order that there should be no doubt about this. The second section of the Separate School Act read as follows:—

"Upon the application in writing of five or more heads of families resident in any township, city, town or incorporated village, being Protestants, the Municipal Council of the said township, or the Board of School Trustees of any such city, town or incorporated village, shall authorise the establishment therein of one or more Separate Schools for Protestants."

Then the Attorney-General read the sixth section as follows:—

"In any city or town the persons who make application, according to the provisions of section 2 of this Act, may have a Separate School in each ward or in two or more wards united, as the said persons may judge expedient."

So, continued the Attorney-General, that was what the law provided for Protestants in this matter.

MR. MEREDITH asked if the Attorney-General understood that this applied to the rural districts.

The ATTORNEY-GENERAL replied that he understood so. If before or since Confederation more convenient machinery had been provided for Roman Catholic Separate Schools than for Protestant Separate Schools, it was because Protestants had not asked for changes in the original provisions as to Protestant Separate Schools. No class of Protestants, no church, no individual, so far as I am aware, had ever asked for any such changes. Speaking generally, Protestants do not want to make use of their power to establish Separate Schools, and he was glad they did not. (Applause.) He thought it

WOULD BE A CALAMITY TO THE

country if they did. It was for the common advantage that they should not use these provisions of the law, and that all s ould

unite in a common system of Public Schools. He would be glad if the Roman Catholic population did the same, but they could not be forced to do so.

There had been a good deal of criticism, the Attorney-General continued, upon the enactments in regard to Separate Schools since Confederation. Some of the criticism has been abandoned. Amongst many other things which used to be said and are said no longer, one was that there was no power of appeal to the Court of Revision from an assessment as a Separate School supporter. The hon. member for London in a former session had said it was a doubtful matter.

MR. MEREDITH.—I said that others thought it doubtful, but my own opinion was that it was not so.

THE ATTORNEY-GENERAL.—At all events others said that there was no appeal to the Court of Revision. He (Mr. Mowat) had always insisted that there was an appeal, and that there was no reasonable doubt of it. He had said so before the decision of the Judges here. Since that decision no one doubts, if any doubted before, that there is an appeal to the Court of Revision.

THE GOVERNMENT HAD HOPED

that in some way or other that question would be brought before the High Court at an earlier date by those who affirmed that no such appeal lay, but it was not brought before the High Court until the Minister of Education himself recently brought it there. The question has now been judicially set at rest.

Another thing upon which a great deal has been said was the condition of the law respecting the notices which have to be given in order to exempt Roman Catholics from the Public School tax. It used to be said that we had repealed the law which made these notices necessary, but I presume no one now doubts that a Roman Catholic should not under the existing law be assessed as a Separate School supporter, unless he has given written notice of his wish to be so. It appears that a practice had grown up of assuming all Roman Catholics to be Separate School supporters where the contrary did not appear. This practice is said to have prevailed, in some localities at least, before our legislation. It was considered in the various localities in which notices were omitted, whether after our legislation or before, that the matter was for the Roman Catholics themselves to deal with, and Protestants took no interest in it until political agitation gave prominence to the matter. In the legislation that the Government had introduced this session their object was to make the requirements of the original statute clear.

In 1877, the provision was made for an appeal to the Court of Revision in such matters, in order to protect the taxpayer; and every taxpayer had the right of appeal in respect of every assessment, whether of his own or of another. Such appeals are provided because the approved policy of the law is that the assessment roll when finally revised should be conclusive for all purposes, and not open to future question; yet it may occasionally happen that, for example, I may be taxed for not one-half of what I ought to pay taxes for, or I may claim some exemption to which I am not entitled. In either case, if no one appeals, I get the benefit of the insufficient assessment, or of the unauthorised exemption. So it is with every case of assessment. A man may be charged too much, or he may be charged nothing when he ought to be charged a great deal, or he may be charged something when he ought to be charged nothing. Yet the propriety of making the assessment roll when finally revised to be binding on everyone has always been manifested.

He (the Attorney-General) had heard objection made to their legislation in regard to Separate Schools on the ground that it had increased the efficiency of those schools, and this is another of the objections not recently heard. In answer to it he might say that it had never been the policy of Protestants or of any Government to object to Roman Catholic education being efficient. On the contrary, the view that had been taken, and he thought the right view, was that if they must have Separate Schools they should be as efficient as possible (Cheers). The Bill of the hon. member for North Grey proceeded on this view, and he should be sorry to think that any Protestants would favor a different course.

In the present debate some things have been objected to which are not dealt with by any of the Opposition Bills before the House. For instance, something has been said in debate about the inspection of Separate Schools, and the payment of the Inspectors by the Province.

Now what are the facts?

In Dr. Ryerson's time he directed the Inspectors of the High Schools to do duty as Inspectors of Separate Schools, and they were paid by the Province. Experience has demonstrated and everyone admits that the inspection of schools is essential to their efficiency. No one can question that. If the schools are to be efficient they must have thorough inspection and by capable men. The inspection of Separate Schools, as he had already said, was in the first instance performed by Provincial officers, the High School Inspectors. The reason another system of inspection was

substituted was, that the duties of High School Inspectors had become so large that they could not perform the additional duty of inspecting the Separate Schools. All their time was needed for High School purposes.

MR. MEREDITH.—Why were not the Public School Inspectors asked to perform the work?

THE ATTORNEY-GENERAL.—I was coming to that next. The hon. member is in a tremendous hurry. (Laughter). Dr. Ryerson whose great experience in all matters relating to education constituted him one of the highest authorities on everything connected therewith, thought that to appoint Public School Inspectors for the work was not the best way of dealing with the difficulty, and therefore he had assigned it to the High School Inspectors; and when they became unable to do it,

THE GOVERNMENT APPOINTED

two other Provincial Inspectors for this duty. The men selected were loyal men, of energy, and of experience, well qualified in every way for the work, and interested in doing it in the best possible way. Everyone must feel that competent men of their own religion would have far greater influence in the Roman Catholic Schools than Protestant Inspectors would have, and if equally competent would be able in a larger degree to increase the efficiency of the schools. The same observations applied of course to Protestant Schools, or schools where the children were all or chiefly Protestants. He did not know any such case in which a Roman Catholic had been appointed Inspector of the Schools. The parents and guardians of Protestant children have felt that a Protestant Inspector would be more useful than a Roman Catholic. The Government wanted the Separate Schools to be as efficient as possible, and thought that the object would be accomplished more effectually by appointing Roman Catholic Inspectors for these schools than by appointing Protestants. (Hear, hear).

One hon. member complained, and perhaps more than one complained, that the salaries of Separate School Inspectors were paid out of the public treasury. But it must be remembered that throughout the whole Province, from east to west, there were only two Inspectors for Separate Schools; if they were not men of exceptional energy and ability they could not do the work. Now if a calculation is made as to how much Roman Catholics contribute to the salaries of Public School Inspectors, they would probably find that the amount contributed by the

Treasury for the salaries of Separate School Inspectors was not more than Roman Catholics pay for Public School Inspectors from whose services Roman Catholics do not get any benefit. Thus, practically, the Separate School Inspectors are paid for by Roman Catholics out of their own money. Considering the efficiency of the Separate Schools, he maintained that the most desirable thing to do was to appoint these Inspectors. (Cheers.)

There was another point that hon. members complained about, but did not propose to remedy; and that is that in the Act of 1879 provision was made for

CREATING SEPARATE SCHOOLS INTO

Model Schools. The section relating to this provided: "The Education Department may authorize a Separate School in any county to be constituted a Model School for the training of teachers for Separate Schools, subject to the regulations of the Department, and where in any county such Model School has been established, or from the special circumstances of the Separate Schools therein the Minister of Education should deem it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some one competent person, possessing qualifications prescribed by the Education Department, to be a member of the County Board of Examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the Board." Now how many Separate Schools have been constituted Model Schools under this enactment? Not one.

MR. MEREDITH.—That was a small matter.

The ATTORNEY-GENERAL.—My hon. friend says this is a small matter; but all the objections which he and others have raised upon the statutes are small matters. He (the Attorney-General) wished to point out that there was no practical grievance as regards these Model Schools.

The Attorney-General then dealt with the powers of legislation in respect to Separate Schools. There were difficulties he said in applying the provisions of the B.N.A. Act. He thought it was perfectly clear, although they had power to make regulations, and although they might amend in some respects the statutes relating to Separate Schools, that they had no power to interfere in any way with, at all events, the religious instructions given in these schools.

MR. MEREDITH.—Where does the hon. gentleman find a word about religious instruction in the whole of the Act?

The ATTORNEY-GENERAL said the hon. gentleman knew perfectly well that the B. N. A. Act expressly provided for "denominational schools," and spoke of the schools of the "Queen's Roman Catholic subjects," and that by the express terms of the B. N. A. Act the Legislature had no power to interfere with the existing rights of any class of persons with reference to the said schools. He had no doubt whatever

THAT THE PRIVY COUNCIL

would hold that the House had no jurisdiction—no power—to interfere with Separate Schools as regards religious instruction. On some other points there was more or less difficulty. The member for North Grey had a Bill in which he sought to compel all the teachers of Roman Catholic schools to hold the same class of certificates as teachers of the Public Schools. At the Union of 1867 these schools, by express enactment, were entitled to employ teachers qualified as teachers by the then law of either Upper or Lower Canada, and teachers so qualified by the law of Catholic Lower Canada were entitled to be employed by any Separate Schools in Upper Canada which chose to employ them. I presume the object was to include certain religious orders. This is claimed to be one of the rights or privileges conferred on Separate Schools by the Constitution; and these teachers in case of being selected by the Roman Catholic supporters of a Separate School, claim a right to be teachers of such a school, and to be employed in that capacity.

It being now 6 o'clock the Speaker left the Chair.

After recess Mr. Mowat resumed. He said in the bill brought down by the Minister of Education there was no provision for the ballot, because the Government believed that the Separate School supporters did not yet want the ballot. There were the same reasons for the ballot in Separate School elections as in Public School elections. It was commonly suggested that the ballot was also necessary for the protection of the Roman Catholics against their clergy. Having possessed himself of all the information available on the subject, he was satisfied there was no such antagonism between the clergy of the

CHURCH OF ROME AND

the people of that Church, as the argument of the Opposition assumed—that as regards the clergy and the mass of the people of the Church of Rome, there was the utmost confidence, respect and

affection on the part of the laity towards the clergy. He should be deceiving himself if he took any other view, and so would the Protestant public if they took any other view. To impose the ballot on Separate School supporters from a Protestant standpoint, and before they wanted it, could not be proper on the part of a Protestant legislature in a free country. For Protestants to agitate for it before Roman Catholics are ready delays rather than hastens their disposition to adopt the ballot. Non-politicians might be of a different impression; politicians, he did not believe, could have any other view than this. A good deal was said about the corporate Roman Catholic vote, and it is affirmed that such is the influence of the Roman Catholic clergy that the so-called corporate vote in parliamentary elections is subject to their guidance. If so, it is subject to their influence notwithstanding the ballot, for we have the ballot in the elections to this House and to the House of Commons; and what our opponents now-a-days say as to the corporate vote, demonstrates that they do not believe what they profess to believe as to the power of the clergy needing the check of the ballot in regard to Separate Schools.

His own idea was, that the ballot would not make a particle of difference to the Roman Catholic clergy in school matters; and it was for the Roman Catholic laity themselves to say when the time had come for the adoption of the ballot system as regards their schools. It was to be remembered that it

TOOK EIGHTY YEARS AFTER

the people of this country had a representative Assembly before they were prepared to adopt the ballot for parliamentary elections. The ballot in municipal elections did not come for a couple of years longer. Then they gave the option of the ballot in Public School elections, and not one-third of the Public School Boards had availed themselves of the use of it.

MR. MEREDITH.—It does not apply to rural sections.

MR. MOWAT said it did not matter. A very large proportion of the schools which had the power of adopting the ballot did not avail themselves of it—that was the point. That fact showed that Protestant school supporters were not prepared for the general adoption of the ballot even for Public Schools. Time must be given for all these things. In some cases the ballot had been adopted for a Public School election, and its adoption had afterwards been regretted. His own opinion was that the ballot would ultimately be adopted by all schools, Public and Separate, but the time must be left, to some extent, to the option of those concerned.

MR. MEREDITH.—What municipality regrets having adopted the ballot?

MR. MOWAT.—I have heard of one in Huron for example.

MR. GIBSON (Huron)—(Addressing Mr. Meredith) I will enlighten you as to that.

MR. MOWAT.—The only suggestion of evidence that Separate School supporters were ripe for the ballot came from an hon. member opposite, who referred to the number of Roman Catholic children attending Public Schools, and in some way or other, the Attorney-General did not know exactly how, the honorable member had argued from that circumstance that the Roman Catholics were in favor of the ballot. Well, if there were children of Roman Catholics attending the Public Schools in places where there were Separate Schools, certainly those Roman Catholics were not in need of the protection of the ballot. If, in spite of the alleged influence of their clergy they sent their children to Public Schools, they are not people

FOR WHOM THE BALLOT AT

Separate School elections is needed. For years there has been no petition for the ballot for Separate Schools; no resolution has been passed anywhere in support of the ballot for Separate Schools; there were newspapers supported by the Roman Catholic laity, and none of these had hitherto asked for the ballot so far as I have seen. We have entirely failed to find any evidence that the Roman Catholic laity or any considerable number of them are yet prepared for the ballot in their school elections. So far as there is any evidence either way, it went strongly to prove the contrary.

Now, as to the two bills of the hon. member for London. In one of them—that concerning the ballot—he proposes to change the law on this subject with reference to Public Schools as well as with respect to Separate Schools. The hon. member felt it would be utterly out of the question to force the ballot on Separate Schools and leave it optional as to Public Schools. So a large number of Public Schools which had not adopted the ballot would have it imposed upon them by this Bill if it should become law. He objected to that. It should be left to their own option, as it is now. Well, that was the principle of the Bill, and the proposed compulsion was contrary to all sound principles of legislation—at least to Liberal ideas of legislation. Then there was his other Bill—the hon. member's Bill respecting Separate School supporters, which consists of two sections. The first

section of that Bill assumed that as the law now stood a person might be entitled to be assessed as a Separate School supporter without having given the notice which the law required. The Attorney-General objected to the assumption contained in the expression "notwithstanding any provision to the contrary," etc. There is no provision to the contrary. As to the second section, it was so absurd

THAT HE COULD HARDLY BELIEVE

that it was from the hand of the leader of the Opposition. It proposed to make it the duty of the clerk to make the necessary entries upon the roll on this subject of Separate Schools after the roll had been finally revised. He provided no appeal and no machinery for correcting errors as under the present Act. The Bill said that any error of the clerk should not be conclusive, but it provided no means of correcting an error.

MR. MEREDITH.—Supposing the clerk makes a mistake now?

HON. Mr. MOWAT.—In our Bill we have a provision which meets such a case. We cannot prevent mistakes altogether, but we reduce the chances of mistakes to a minimum. We have a provision by which the Council may correct mistakes which had not been taken to the Court of Revision.

It is plain from what had appeared during the past few days that it is the intention and fixed plan of the managers of the Opposition throughout the Province to endeavor to make political capital for themselves out of the religious sympathies of the Protestant population, and out of the religious antagonism aroused between Roman Catholics and Protestants. He hoped they would fail in these unholy tactics. "For myself," said the Attorney-General in conclusion, "and for the Protestant members of the Government, I will say that we are attached with all our hearts to the Protestant churches to which we respectively belong; but we recognise it as our duty to be fair to the Roman Catholic minority according to our light. We have examined the school question as Protestants, as we fully recognised it to be our duty to do, and we are satisfied in regard to all the Bills of the Opposition—that they would be of no service to the Province; that they are bad Bills—(applause); and aa a Protestant myself of nearly 70 years', I have no hesitation in advising the House to reject these bills, and to pass the Bill of the Minister of Education.

The Attorney-General resumed his seat amid the hearty applause of the House.